

Service Date: May 8, 1998

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER of the Investigation)	UTILITY DIVISION
into U S WEST Communications, Inc.'s)	DOCKET NO. D97.5.87
Compliance with Section 271(c) of the)	
Telecommunications Act of 1996.)	ORDER NO. 5982d

ORDER ON U S WEST'S OBJECTION TO EXHIBIT "A" OF DANIEL RUNYON

On May 1, U S WEST Communications, Inc. (U S WEST) requested that the Montana Public Service Commission (Commission) issue an order barring Daniel Runyon, an employee of Montana Wireless, Inc. (MWI), from reviewing proprietary information submitted in this Docket.

U S WEST states that Mr. Runyon is responsible for developing Blackfoot Telephone Cooperative's CLEC and PCS business ventures. Blackfoot established MWI to provide competitive local exchange wireline and wireless services in Montana. The Commission has approved wireline and wireless interconnection agreements between U S WEST and MWI.

U S WEST cites ¶ 2(a) in the Protective Order in this Docket, Order No. 5982, as support for its request. According to U S WEST, Mr. Runyon's biographical sketch provided pursuant to Order No 5982 clearly demonstrates that Mr. Runyon does not meet the requirements for access to confidential information. Further, the fact that MWI has no employees who meet the requirements to view confidential information is irrelevant because MWI may use outside parties as experts and is not required to use an employee as an expert.

Paragraph (2)(d) requires the parties to attempt to resolve an objection to access to proprietary information. According to U S WEST, the parties have unsuccessfully attempted to resolve this matter.

In determining a question of expert access to proprietary information, the Commission will apply the standard set forth in ¶ 2(e) of the Protective Order--whether access by the individual in question would be reasonably likely to jeopardize the confidential nature of the information sought. An employee expert allowed access to proprietary information must be an employee whose duties are solely directed to regulatory activities on behalf of the party and unrelated to marketing or strategic planning of competitive products or services, including those of any party in the proceeding. *See* ¶ 2(a), Order No. 5982.

Based on the representations made by U S WEST that Mr. Runyon's biographical sketch clearly indicates that his duties do not fit within the above description, the Commission concludes that Mr Runyon's access to proprietary information is reasonably likely to jeopardize the confidential nature of the information sought.

Therefore, IT IS ORDERED that Daniel Runyon may not review confidential materials submitted in this proceeding.

Pursuant to ¶ 2(f) of Order No. 5982, a party dissatisfied with a decision of the Commission may appeal to the District Court, and, pending appeal, the information shall not be disclosed to the designated person.

DONE AND DATED this 5th day of May, 1998, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)